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USDA Foreign Agricultural Service

GAIN Report

Global Agriculture Information Network

Voluntary Report - public distribution

Date: 4/10/2003

GAIN Report Number: MX3047

Mexico

Food and Agricultural Import Regulations and Standards

Emergency Regulation - Phytosanitary Standard for imported beans: NOM-EM-041-FITO

2003

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Report Highlights:
On April 4, 2003, Mexico published a new emergency standard with phytosanitary, quality and labeling requirements for imported beans for human consumption for the countries of Argentina, Canada, Chile, Nicaragua, and the United States. The NOM's most important provisions include the requirement of methyl bromide fumigation in the country of origin and the specification of state or province of origin on the International Phytosanitary Certificate. The new NOM goes into effect April 5, 2003.

Includes PSD Changes: No
Includes Trade Matrix: No
Unscheduled Report
Mexico [MX1]
[MX]

Introduction: This report summarizes an emergency regulation published in Mexico's "*Diario Oficial*" (Federal Register) on April 4, 2003.

Disclaimer: This summary is based on a *cursory* review of the subject announcement and therefore should not, under any circumstances, be viewed as a definitive reading of the regulation in question, or of its implications for U.S. agricultural export trade interests. In the event of a discrepancy or discrepancies between this summary and the complete regulation or announcement as published in Spanish, the latter shall prevail.

Title: Emergency Official Standard NOM-EM-041-FITO-2003, Phytosanitary Requirements for Imported Dry Beans for Human Consumption

Type of Regulation: Emergency

Important Dates
1. Publication Date: April 4, 2003
2. Effective Date: April 5, 2003

Products Affected: Dry edible beans

Agency in Charge: Secretariat of Agriculture, Livestock, Rural Development, Fisheries and Food

FAS/Mexico's Executive Summary: On 4 April 2003, the Secretariat of Agriculture, Livestock, Rural Development, Fisheries and Food (SAGARPA) published in the *Diario Oficial* (Federal Register) an emergency regulation that establishes the phytosanitary requirements for imported dry edible beans for human consumption. This regulation applies throughout the country of Mexico. Its objective is to establish the labeling and quality requirements as well as phytosanitary conditions for imported dry edible beans for human consumption from Argentina, Canada, Chile, United States of America and Nicaragua in order to prevent the introduction of pests into Mexico. This NOM will be effective April 5, 2003.

Summary of the Major Points of the Emergency Official Standard NOM-EM-041-FITO-2003

This new emergency NOM was published based on the SAGARPA mandate of preventing the introduction to the country of pests that affect vegetables and establishing phytosanitary control of the import and export of vegetable products and by-products. Due to the increase in the volume of international grain trade and the extensive movement of freight transportation vehicles, especially those by sea, SAGARPA maintains that, without such a regulation, there exists a high risk for the introduction, establishment and dissemination of pests, which could directly or indirectly affect Mexican grain production.

The NOM establishes new phytosanitary conditions and quality and labeling requirements governing the fumigation, transportation, packaging, and labeling of dry edible beans for human consumption.

1) Sanitary and Phytosanitary Requirements

a) An International Phytosanitary Certificate must be issued by the corresponding authority in the country of origin and must state the province or state from which the product originated and that the product comes free of soil. Prior to the issuance of the International Phytosanitary Certificate, the inspector must verify that all the provisions of this NOM have been covered. If, during the inspection, live pests are

detected, certification of the shipment will be suspended until the pest is recognized (scientific name and common name) and its quarantine status for Mexico is determined. If a quarantine pest or more than a 5-percent presence of a non-quarantine pest is detected in the shipment, the shipment will be rejected and will not be resent for certification.

b) A phytosanitary inspection must be carried out at the point of entry.

c) A sample will be taken for testing at a laboratory approved for phytosanitary diagnosis. The samples will be tested for insects, weeds, fungus and bacteria. The costs for this testing will be borne by importers.

d) A phytosanitary treatment. The specification of the dose and the exposure time must be indicated in the International Phytosanitary Certificate issued by the Ministry of Agriculture in the country of origin.

2) Quarantine Pests

The products must be free of the following quarantine pests associated with beans:

* Acanthoscelides argillaceus
* Alternaria brassicicola
* Bean pod mottle virus
* Bruchidius atrolineatus
* Bruchidius incarnatus
* Callosobruchus analis
* Callosobruchus phaseoli
* Callosobruchus rhodesianus
* Cercospora kikuchii Purple speck
* Colletotrichum truncatum
* Cowpea severe mosaic virus
* Choanephora cucurbitarum
* Diaporthe phaseolorum
* Erysiphe pisi DC var. pisi
* Gibberella avenacea
* Matsumuraeses phaseoli
* Pea early browning virus
* Peanut mottle virus
* Phoma exigua var. diversispora
* Phomopsis longicolla
* Pleospora herbarum
* Pseudomonas viridiflava
* Tomato black ring virus
* Trogoderma granarium

3) International Phytosanitary Certificate

The International Phytosanitary Certificate must have an ANNEX with the following information included:

a) Typical odor of the healthy, dry and clean beans, free of odors of humidity, fermentation, rancidity, mildew, rotting, or other strange odors unusual to the product.

b) A moisture content of between 9 to 18 percent.

c) A cooking time of between 55 to 70 minutes.

d) Quality Grade: Extra, First or Second. The quality of the product will be determined based on the presence of impurities, damaged grains, presence of different varieties from the ones to be exported, defective grains as follows:

EXTRA. Up to = 0.8% of impurities, 3% of defective grains, 1% of different varieties, 2% of similar varieties, 0% of broken, spotted or blistered for industrial use.

FIRST CLASS. Up to 1.3% of impurities, 4% of damaged grains, 2% of different varieties, 4% of similar varieties, and 8% of defective grains (broken, spotted or blistered).

SECOND CLASS. Up to 2% of impurities, 4.9% of damaged grains, 3% of different varieties, 8% of similar varieties and 10% of defective grains (broken, spotted or blistered).

The containers of the products should comply with the following characteristics:

a) The containers and packages must be new, must be pre-printed with the data of the labels and must be free of any other material unusual scent.

b) The volume of the containers or packages must be from 1 to 50 kilograms

c) The content of each container and package must be homogeneous, composed of grains of the same origin, category and variety.

4) Labeling

The labels of the containers or packages must have the following information:

a) Must be in Spanish. If another language is included, the information contained in Spanish must be of the same size and font.

b) The commercial information of the label of packaged beans must show the name, class, variety of the product, grade quality, net content of the container, name or business name and fiscal address of the producer, packer or associated company, country of origin, lot identification, harvest cycle.

c) The information must be legible, indelible, and in contrasting colors.

5) Phytosanitary Treatment

Treatments: The new regulation mandates two treatments using methyl bromide. The Mexican codes for these treatments are: 1) T302 (d1) and 2) T302 (d2), defined below:

The beans for human consumption must be treated at origin, before being packed, with one of the following procedures:

a) Procedure: T302 (d1) Methyl bromide to normal atmospheric pressure in a chamber or covered with plastic.

Temperature	Dose *(g/m3)*	Concentration 0.5 Hours	(g/m3) after 2.0 Hours	Reading of: 12 Hours
32°C or higher	40	30	20	15
27 – 31 °C	56	42	30	20
21 – 26 °C	72	54	40	25
16 – 20 °C	96	72	50	30
10 – 15 °C	120	90	60	35
4 - 9 °C	144	108	70	40

b) Procedure: T302 (d2) methyl bromide in a chamber of 660 mm.

Temperature	Dose (g/m3)	Period of Exposure (Hours)
16 °C or higher	128	3.0
4 - 15 °C	144	3.0

In the case of the treatment T302 (d1), the reading of the 12 hours is the minimum, and 24 hours the maximum, concentration for the fumigation process.

6) Means of Transportation:

The vehicles of marine, land and air transportation as well as the packages that are used for the importation of beans for human consumption, must be free of plant residues and soil, or other foreign material unusual to the shipment. Those transportation vehicles in which plant residues, soil or foreign material unusual to the shipment are detected must be cleaned before their entrance into Mexico.

7) Ports of Entry

The following ports of entry have been designated as authorized ports of entry for dry edible beans for human consumption:

Tijuana, Baja California
Nuevo Laredo, Tamaulipas
Ciudad Hidalgo, Chiapas
Manzanillo, Colima
Veracruz, Veracruz

8) Phytosanitary Inspection at Points of Entry

a) Phytosanitary inspection will be carried out by SAGARPA officials at the designated points of entry by means of taking a sample of the product to see that it conforms with the provisions of this NOM.

b) In case live pests are detected in the shipment, the product will remain at the point of entry until a diagnosis can be obtained. The importer or interested party has the option of returning or destroying the product and must pay all the associated costs.

9) Revocation of Certain Provisions of NOM-028

The requirements G063 and G064 pointed out in section 4.2.1.1 and section 4.2.1.2 of the Norma Mexican Official NOM-O28-FITO-1995 are revoked (see below). These requirements had stated that the fumigation process be carried out at the port of entry in cases where it had not been carried out at point of origin.

Requirements G063 & G064 of NOM-028-FITO-1995, are hereby revoked by the new emergency NOM-EM-041-FITO-2003:

Req. No.	Product	Country of Origin	Additional Requirements	Phytosanitary Treatment
G063	Dry beans	Canada		Application of the TFA treatment in the country of origin is acceptable. In case there is no fumigation at the origin, treatments T302 (d1) or T302 (d2) will be applied at the port of entry to Mexico.
G064	Dry beans	Canada		Application of the TFA treatment in the country of origin is acceptable. In case there is no fumigation at the origin, treatments T302 (d1) or T302 (d2) will be applied at the port of entry to Mexico.

10) Trade Concerns

This regulation is being viewed as trade restrictive and having significant potential for adversely impacting U.S. dry bean exports to Mexico. Among the main areas of concern are:

- An International Phytosanitary Certificate citing that a fumigation process was done at origin according to T302 (d1) or T302 (d2) process and before packaging.
- Verification by the relevant Ministry of Agriculture authority that the fumigation process was carried out at the point of origin and that the labeling provisions are being met.
- Inclusion of the province of state of origin on the International Phytosanitary Certificate.
- Inclusion of an annex to the International Phytosanitary Certificate stating that certain quality conditions have been met.
- Exporter compliance with the new labeling requirements.
- Restricted number of ports of entry, which may increase shipments costs.

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FAS Mexico Web Site: We are available at http://www.atomexico.gob.mx or visit our Headquarter's home page at http://www.fas.usda.gov for a complete selection of FAS' worldwide agricultural reporting.